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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-463

12 **BRENT ERIK EGEMO**  
13 1215 SW Walkingwood  
14 Depoe Bay, OR 97341

**A C C U S A T I O N**

15 Registered Nurse License No. 578924  
16 Nurse Practitioner Certificate No. 16058  
Nurse Practitioner Furnishing Certificate No. 16058

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs (Board).

22 **License History**

23 2. On or about March 23, 2001, the Board issued Registered Nurse License No. 578924  
24 to Brent Erik Egemo (Respondent). The Registered Nurse License was in full force and effect at  
25 all times relevant to these charges and will expire on January 31, 2013, unless renewed.

26 3. On or about September 20, 2005, the Board issued Nurse Practitioner Certificate No.  
27 16058 to Brent Erik Egemo (Respondent). The Nurse Practitioner Certificate was in full force  
28

1 and effect at all times relevant to these charges and will expire on January 31, 2013, unless  
2 renewed.

3 4. On or about January 11, 2007, the Board issued Nurse Practitioner Furnishing  
4 Certificate No. 16058 to Brent Erik Egemo (Respondent). The Nurse Practitioner Furnishing  
5 Certificate was in full force and effect at all times relevant to these charges and will expire on  
6 January 31, 2013, unless renewed.

### 7 JURISDICTION

8 5. This Accusation is brought before the Board under the authority of the following  
9 laws. All section references are to the Business and Professions Code unless otherwise indicated.

10 6. Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
11 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
12 action during the period within which the license may be renewed, restored, reissued or  
13 reinstated.

14 7. Section 2764 provides that the expiration of a license shall not deprive the Board of  
15 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision  
16 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an  
17 expired license at any time within 8 years after its expiration.

### 18 STATUTES

19 8. Section 490 provides that a board, including this Board, may suspend or revoke a  
20 license on the ground that the licensee has been convicted of a crime substantially related to the  
21 qualifications, functions, or duties of the business or profession for which the license was issued.

22 9. Section 2750 provides that the Board may discipline any licensee, including a  
23 licensee holding a temporary or an inactive license, for any reason provided in Article 3  
24 (commencing with section 2750) of the Nursing Practice Act.

25 10. Section 2761 provides grounds for disciplinary action:

26 "The board may take disciplinary action against a certified or licensed  
27 nurse or deny an application for a certificate or license for any of the following:

28 (a) Unprofessional conduct

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

11. Section 2762 of the Code provides grounds for disciplinary action relating to alcohol or substance abuse:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

### REGULATIONS

12. California Code of Regulations, title 16, section 1444 provides criteria for determining when a conviction is substantially related to the practice of registered nursing:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

### COST RECOVERY

13. Section 125.3 provides that the Board may request the administrative law judge to

1 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
2 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

3 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

4 14. Vicodin is a trade name for a pain relief medication containing a combination of  
5 hydrocodone bitartrate and acetaminophen. It is a Schedule III controlled substance as defined in  
6 Health and Safety Code section 11056(e)(4), and, as a prescription medication, is categorized as a  
7 dangerous drug according to Business and Professions Code section 4022.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Substantially Related Crime)**

10 15. Respondent is subject to disciplinary action under sections 490 and 2761 subdivision  
11 (f) (substantially related conviction), in conjunction with California Code of Regulations, title 16,  
12 section 1444, because on or about September 27, 2011 he was convicted driving under the  
13 influence of alcohol, a crime substantially related to the qualifications, functions or duties of a  
14 registered nurse that to a substantial degree evidences his present or potential unfitness to practice  
15 in a manner consistent with the public health, safety, or welfare. The circumstances of this  
16 conviction are as follows:

17 a. On or about September 27, 2011, after pleading nolo contendere, Respondent was  
18 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with an  
19 equal to or greater than 0.08% blood alcohol content] in the criminal proceeding entitled *People*  
20 *v. Brent Erik Egemo* (Super. Ct. Kern County, 2011, No. MM072888A). The Court sentenced  
21 Respondent to 3 days in jail, placed him on 5 years' probation, and ordered him to complete a  
22 nine-month alcohol education program.

23 b. The circumstances underlying the conviction are that on or about September 2, 2011,  
24 Respondent was stopped by the California Highway Patrol in Mojave, California. After failing  
25 field sobriety tests and admitting to taking 2 tablets of Vicodin less than 3 hours before, alcohol  
26 screening tests showed he had a blood alcohol content of .223% on the first result and .210% on  
27 the second.

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1 in 2000, the Court reinstated his probation and referred him to a multiple offender program.

2 **PRAYER**

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
4 and that following the hearing, the Board issue a decision:

5 1. Revoking or suspending Registered Nurse License No. 578924, issued to Brent Erik  
6 Egemo


7 2. Revoking or suspending Nurse Practitioner Certificate No. 16058, issued to Brent  
8 Erik Egemo;

9 3. Revoking or suspending Nurse Practitioner Furnishing Certificate No. 16058, issued  
10 to Brent Erik Egemo;

11 4. Ordering Brent Erik Egemo to pay the Board the reasonable costs of the investigation  
12 and enforcement of this case, pursuant to section 125.3; and

13 5. Taking such other and further action as deemed necessary and proper.  
14  
15

16 DATED: DECEMBER 8, 2012

17 *for*   
18 LOUISE R. BAILEY, M.Ed., R.N.  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant  
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